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Committee on the Elimination of Discrimination against Women

Concluding observations concerning the sixth periodic report of Burkina Faso

Addendum

Information received from Burkina Faso in the matter of follow-up to the concluding observations*

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Acronyms and abbreviations

CAGIDH	Committee on General and Institutional Affairs and Human Rights
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women
CNDH	National Commission on Human Rights
CNSEF	National Commission for Monitoring Implementation of Burkina Faso's Commitments on Behalf of Women
COTEVAL	Technical Committee for Verification of Draft Laws
CSO	civil society organization
FGM	female genital mutilation
IPU	Inter-Parliamentary Union
MPFG	Ministry for the Advancement of Women and Gender
PSCE/JF	Special Job Creation Programme for Young People and Women
SP/CONAP/Genre	Permanent Secretariat of the National Council for the Promotion of Gender
UNESCO	United Nations Educational, Science and Cultural Organization

Introduction

1. On 5 October 2010, during the 47th session of the Committee on the Elimination of Discrimination against Women, Burkina Faso presented its sixth periodic report on implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) for the period 2001-2006. During that session, the Committee made recommendations for further improvement of the situation of women in Burkina Faso. It also asked Burkina Faso to pay particular attention to implementing these recommendations, and to report on action taken and results achieved in its next periodic report in October 2014.

2. However, the Committee requested Burkina Faso to provide, within two years (i.e., in 2012), written information on steps undertaken to implement the recommendations contained in paragraphs 22 and 50, which call upon the State to adopt a specific law on violence against women, to eliminate those provisions (articles 257-262) of the Individual and Family Code relating to polygamy and to standardize the minimum legal age of marriage at 18 years for both women and men.

3. This report takes stock of measures adopted to implement these recommendations. It was prepared in accordance with the directives for drafting periodic reports of States parties on implementation of the Convention. It contains two sections, dealing with developments in the legislative and institutional framework (part I); and the process of preparing the State party's report on implementation of those recommendations (part II).

I. Developments in the legislative and institutional framework

A. Legislative provisions

4. There have been some significant developments in the country's legislative framework since submission of the sixth periodic report on implementation of the Convention on the Elimination of All Forms of Discrimination against Women. This progress is apparent at international, regional and national levels.

5. At international and regional levels, Burkina Faso has ratified two conventions:

- The UNESCO Convention against Discrimination in Education, ratified on 4 September 2012;
- The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa. ratified on 26 April 2012.

6. At the national level, we may note the adoption of the following laws:

- Law No. 033-2012/AN of 11 June 2012 amending the Constitution, article 101 of which gives constitutional recognition to gender;
- Law No. 034-2012/AN of 2 July 2012 on agrarian and land ownership reorganization, article 34 of which calls for equitable and secure access to rural land for all stakeholders;
- Law No. 003-2011/AN of 5 April 2011 establishing the Forestry Code.

7. In addition to this legislation, a number of measures and policies have been adopted with a view to reducing gender inequalities and thereby ensuring respect for human rights in support of equitable and sustainable human development. We may note in particular:

- The launch in February 2012 of the Special Job Creation Programme for Young People and Women (PSCE/JF), the 2012 segment of which was allocated a budget of more than CFAF 10.2 billion;
- The adoption in 2012 of the National Policy on Human Rights and Civic Promotion, together with its first action plan;
- The adoption in 2011 of a national programme to accelerate literacy, with the objective of achieving a 60 per cent literacy rate by 2015. Thus, 14,509 literacy centres were opened in 2011-2012, compared to 9,763 in 2010-2011. The programme enrolled 4,341 men and 3,689 women for the period 2010-2011;
- The adoption in 2011 of the programme to prevent mother-to-child transmission of HIV for the period 2011-2015;
- The adoption of the National Gender Policy on 8 July 2009.

B. Institutional framework

8. The institutional landscape has undergone the following reforms:

Ministry for the Advancement of Women and Gender

9. In the ongoing effort to ensure de jure and de facto equality for all citizens, the Ministry for the Advancement of Women has become the Ministry for the Advancement of Women and Gender (MPFG) as of 2013, in order to take greater account of the gender dimension in its responsibilities. It has the task of ensuring the implementation and monitoring of government policy for the advancement of women and gender. Two new general directorates have been created: one for the promotion of female entrepreneurship; and the other for the promotion of gender in order to highlight the question of women's economic empowerment through female entrepreneurship.

National Council for the Promotion of Gender (CONAP/Genre)

10. The National Gender Policy was adopted on 8 July 2009 by Decree No. 2009-672/PRES/PM/MEF/MPF as the national strategic framework for promoting equality of men and women. That document sets forth the Government's priorities in the gender area and thus constitutes the frame of reference on gender issues in Burkina Faso.

11. Given the need for synergy in efforts to implement the policy, the Government has implemented an institutional piloting mechanism that is broadly representative of the diversity of stakeholders: the National Council for the Promotion of Gender (CONAP/Genre), created on 11 February 2010 by Decree No. 2010-048/PRES/PM/MPF/MEF. As the national body for taking decisions and providing guidance in gender matters, the National Council is represented at the regional and municipal levels by the Regional and Communal Councils for the Promotion of Gender.

12. The Council has a permanent secretariat (SP/CONAP/Genre) that reports to the minister responsible for the advancement of women and gender. The permanent secretariat of the National Council for the Promotion of Gender (SP/CONAP/Genre) is a permanent body responsible for coordinating and managing implementation of the National Gender Policy.

13. Permanent coordination bodies responsible for ensuring that gender is taken into account in sector plans and programmes have also been created within institutions and ministerial departments.

Ministry for Human Rights and Civic Promotion

14. This Ministry, under its current name, was created by Decree No. 2012-122/PRES/PM of 23 February 2012 on the composition of the Government. Previously, the ministerial reorganization of April 2011 had merged it with the Department of Justice. The institutional move to integrate the civic promotion aspect reflects the Government's determination to promote responsible citizenship through a culture of values and of respect for human rights. The Ministry has seven regional directorates in operation, each with a help centre and documentation on human rights, as at Ouagadougou. These facilities give people access to local human rights services.

National Commission on Human Rights (CNDH)

15. Initially created by Decree No. 2001-628/PRES/PM/MJPDH of 20 November 2001, CNDH was institutionalized by Law No. 062-2009/AN of 21 December 2009, to bring it into line with the Paris Principles. The regulations needed for the functioning of CNDH have been adopted. These include Decree No. 2010-559/PRES/PM/MPDH of 21 September 2010 on the organization and functioning of CNDH, and Decree No. 2012-869/PRES/PM/MDHPC of 3 October 2012 appointing the commissioners. These 24 new commissioners, drawn from ministries, associations, customary and religious authorities, and the colleges of physicians and lawyers, were sworn in on 7 February 2013, and have elected their president.

National Council to Combat the Practice of Excision

16. Created by Decree No. 2011-116/PRES/PM/MASSN of 2 February 2011, the Council replaces the National Committee to Combat the Practice of Excision that was established on 18 May 1990. It has broader decision-making powers, and its mission is to work for eradication of excision in Burkina Faso.

17. It is also important to note the creation, on 11 January 2011, of the National Council of Civil Society Organizations. As the forum for coordination among private players in the area of human rights, the National Council of Civil Society Organizations is working to reinforce their activities in the field.

II. Process of preparing the report and implementation status of the recommendations

A. Process of preparing the report

18. This report was prepared through a participatory approach that involved the following stages:

- Establishment of a drafting committee composed of representatives of ministerial departments, institutions and civil society organizations (CSOs);
- Data gathering from public and private institutions;
- Preparation of the preliminary draft of the report;
- Validation of the draft report by a national workshop bringing together members of the National Commission for Monitoring Implementation of Burkina Faso's Commitments on Behalf of Women (CNSEF) and of the ministerial departments and institutions as well as representatives of CSOs and technical and financial partners;
- Adoption of the report by the Council of Ministers.

B. Implementation status of the recommendations

19. Recommendations 22 and 50, the subject of this report, both contain several sub-recommendations. It is useful, then, to consider them in detail.

1. Recommendation 22 on the enactment of a specific law on violence against women and girls

"The Committee reiterates its previous recommendation in full and, in accordance with its general recommendation No. 19 (1992) on violence against women, urges the State party to enact legislation on violence against women, including domestic violence, so as to ensure that violence against women is prohibited and sanctioned, that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished. In this regard, it urges the State party to give high priority to putting in place comprehensive measures to address all forms of violence against women and girls. The Committee encourages the State party to ensure that legal aid is provided to assist victims. It also recommends that the State party carry out educational and awareness-raising training for the judiciary and public officials, in particular law enforcement personnel, health service providers and social workers, community leaders and the general public so as to raise awareness and sensitization that all forms of violence against women are unacceptable and to provide adequate support to victims of all forms of violence against women. Further, it reiterates its recommendation that the State party establish shelters and counselling services for victims of violence."

The Committee reiterates its previous recommendation in full and, in accordance with its general recommendation No. 19 (1992) on violence against women, urges the State party to enact legislation on violence against women, including domestic violence, so as to ensure that violence against women is prohibited and sanctioned, that women and girls who are victims of violence have access to immediate means of redress and protection and that perpetrators are prosecuted and punished.

20. With the support of Parliament, of civil society and of the country's technical and financial partners, the Government of Burkina Faso has carried out actions to take account of gender and combat violence against women and girls.

21. A study on strengthening legal instruments relating to violence against women and girls was conducted in 2012. It revealed that the current legislative framework for combating such violence has shortcomings.

22. The Penal Code is still restrictive in its scope of application and does not take into account types of violence that are tolerated by society, such as family and cultural violence. Moreover, it says nothing about the protection and support needs of women and girls who are victims of violence, and it contains no preventive measures. Consequently, a preliminary draft of a specific law on violence against women and girls has been prepared.

23. That initial draft law seeks to give the State a legal framework for fulfilling national and international commitments on human rights in general and the rights of women and girls in particular.

24. Reflecting its commitment to legislative reforms for modernizing the legal environment and, in particular, taking into account the socioeconomic and cultural evolution of society in Burkina Faso, the Government has undertaken to revise the Penal Code to make available to the judiciary an innovative, modern and practical legal instrument that takes account of socioeconomic and cultural realities, such as violence against women and girls. An initial draft of the law constituting the Penal Code has been prepared, incorporating provisions from the draft law on violence against women and girls. That document was the subject of a validation workshop held on 23 and 24 December 2013.

25. The inclusion in the future Penal Code of specific provisions on violence against women and girls is intended to offer an appropriate and full response to the specific nature of such violence by covering the prevention of violence, the punishment of its perpetrators, and the protection, assistance and care of victims.

26. The provisions included have to do in particular with family violence (articles 342 to 342-4), family ostracism of girls on grounds of extramarital pregnancy or rejection of forced marriage (articles 391-6), social exclusion on grounds of witchcraft (articles 366 to 366-4), spousal rape (articles 413-1) and sexual harassment (articles 412-2 to 412-3). In total, 27 new articles have been added, while some existing ones have been amended.

27. In addition, the National Assembly and the Inter-Parliamentary Union (IPU) hosted a seminar in Ouagadougou in March-April 2011 on the theme "Taking legislative action to end violence against women and girls: the role of parliaments and parliamentarians of Central and West Africa". That workshop recommended enactment of a specific law on violence against women and girls.

28. In follow-up to that seminar, the National Assembly has held several coordination meetings with the Government and with civil society organizations on the need to propose a specific law on violence against women and girls in Burkina Faso. These meetings led to preparation of a specific legislative proposal during a national workshop held in June 2012 in Koudougou. That workshop was attended by parliamentarians, and by representatives of civil society and of ministerial departments with responsibilities for the issue of violence against women and girls, customary and religious leaders, and the country's technical and financial partners.

29. Directly aligned with the legislative reforms under way, the proposed law was examined by the Committee on General and Institutional Affairs and Human Rights

(CAGIDH) of the National Assembly before it was referred to the Technical Committee for Verification of Draft Laws (COTEVAL). Adoption of this proposed law was delayed by changes in the makeup of the National Assembly following the legislative and municipal elections of 2012. More than two thirds of the National Assembly's members were renewed.

30. This draft law on violence against women and girls seeks to provide an appropriate and full response to the specific nature of such violence, by including punishment of perpetrators, prevention as well as protection aspects, assistance and care for victims. It will thereby make it possible to take comprehensive measures to respond effectively to the issue of violence against women and girls.

31. In general, the proposed law contains 81 articles, grouped under six titles:

- Title 1 sets out the law's object and scope of application. It indicates the different types of violence of which women and girls are victim and provides special measures and procedures, in derogation from ordinary law, for repressing them.
- Title 2 deals with definitions and the site of the violence committed against women and girls.
- Title 3 concerns measures to prevent violence. It deals with the national strategy, the action plan, training and capacity-building for combating violence against women and girls.
- Title 4 deals with protection, assistance, monitoring and evaluation as well as the rights of women and girls who are victims of violence.
- Title 5 concerns violations, their incrimination and special penal and civil procedures that are applicable in such cases.
- Title 6 contains the final provisions.

[The Committee] urges the State party to give high priority to putting in place comprehensive measures to address all forms of violence against women and girls.

32. The proposed specific law on violence against women and girls calls for measures to put an end to all forms of violence against women and girls. They include adoption and implementation of a national strategy by the Ministry of Human Rights and Civic Promotion and the Ministry for the Advancement of Women and Gender (article 14): preparation and implementation by the Government of a national awareness-raising and prevention plan concerning violence against women and girls, intended to mobilize the general public by means of information and awareness campaigns targeted in particular at women, boys and girls, customary chiefs, religious leaders, teachers and other education personnel. To this end, the law, and all other legislation relating to prevention and repression of violence against women and girls, will be translated into national languages and publicized in all settings.

It also recommends that the State party carry out educational and awareness-raising training for the judiciary and public officials, in particular law enforcement personnel, health service providers and social workers, community leaders and the general public so as to raise awareness and sensitization that all forms of violence against women are unacceptable and to provide adequate support to victims of all forms of violence against women.

33. On this point, a number of actions have been taken, including:

- Annual commemoration of the International Day for Elimination of Violence against Women, using a specific theme.
- Hosting a subregional workshop, from 19 to 21 November 2013 in Kaya, on gender-based violence in schools, with participants from Burkina Faso, Benin, Togo, Côte d'Ivoire, Mali, Niger, Burundi, France and the United States of America.
- Organization of a national workshop on violence against girls in schools, from 23 to 25 October 2013 at Kaya.
- Training in September 2013 for justice workers on the judicial handling of gender-based violence.
- Training in 2013 for 33 judicial police officers from the Centre-East region on the judicial treatment of women in prison.
- Training in 2012 for 412 paralegal workers, including 238 women and 174 men, on the protection of female and male victims of domestic violence.
- Training in 2012 for 50 agents of the Ministry for the Advancement of Women and Gender on communication and listening techniques to improve the treatment of victims of violence.
- Organization of consultation meetings, from 22 November to 4 December 2012, with customary and religious leaders dealing with violence against women and girls.
- Distribution in 2012 of 2,000 copies of the Solemn Declaration of Heads of State and Government on Gender Equality in Africa.
- Organization, in October 2012, of a tripartite coordination workshop for dealing with forms of violence against women and girls that are not covered in the penal code.
- Organization in 2012 of 2,189 sessions to raise awareness about female genital mutilation practices, and the provision of care for 65 victims suffering the consequences of excision.
- On behalf of the African Group, Burkina Faso submitted resolution A/C.3/67/L.21 on intensifying global efforts for the elimination of female genital mutilation, which was adopted by the United Nations General Assembly on 17 October 2012.
- Implementation in 2012 of a joint Burkina Faso/Mali project to do away with the practice of excision.
- In 2012, the "Green Line" number for reporting violence against children was changed to a three-digit number (116), which is easy for children to remember. As a result, 157 cases of violence against children were reported between September 2011 and April 2012.
- Provision of psychomedical care for 50 female victims of rape in 2011.

34. In addition to these actions already taken, the proposed law on the prevention and repression of violence against women and girls and care for victims, now in the

course of adoption, calls for training to build capacities for combating violence against women and girls. Article 17 provides that the State must ensure training for public administration officials and for private sector stakeholders alike in the recognition of problems linked to violence against women and girls and care for victims. Similarly, the Government is organizing specialized training for members of the defence and security forces, magistrates, lawyers, notaries, court officers, social services and health care workers, help centre personnel and civil society organizations, through ad hoc multidisciplinary programmes.

The Committee encourages the State party to ensure that legal aid is provided to assist victims.

35. The Government has adopted two decrees that will allow vulnerable individuals to exercise their rights as plaintiffs or defendants in court proceedings: the first decree, adopted on 22 July 2009, creates a programme of legal assistance in Burkina Faso, while the second decree, dated 11 June 2013, deals with establishing a legal assistance fund.

36. Access to the fund is open to any Burkinabe citizen or (subject to reciprocity) any foreigner living in Burkina Faso whose income is not sufficient to allow exercise of his or her judicial rights.

37. Victims of attempts on their life or physical integrity, such as serious assault or acts of torture by government agents in the exercise of their function, as well as those victims' dependents, do not need to prove that they are indigent in order to be eligible for the fund.

38. In cases where monetary compensation is awarded the assisted plaintiff, all expenses borne by the State will be refunded to it from the amount of the award. Such a measure is unlikely to encourage vulnerable persons such as women and girls, who are generally impoverished.

39. Article 18 of the proposed specific law calls for creating a fund to support care for women and girls who are victims of violence in order to ensure the financial viability of the care measures and structures. The support fund, which is intended to support victims during judicial proceedings, is to be financed by the State and its technical and financial partners.

40. Lastly, for purposes of monitoring and evaluating effective enforcement of the law, the State will establish an observatory within the Ministry for the Advancement of Women and Gender to monitor violence against women and girls. It will be responsible for preparing a national plan to combat violence against women and girls and for establishing a national monitoring committee. The State is to produce an annual report, under the terms of the action plan.

41. Consequently, the adoption and effective implementation of the specific law on violence against women and girls will mark a significant step forward in protecting and promoting the rights of women and girls in Burkina Faso. It will serve to strengthen the actions already taken to promote and protect the rights of women and girls in Burkina Faso.

42. In fact, the victims of violence have access to various services, such as shelters, counselling and guidance, but those services are still inadequate both in number and in capacity. Some civil society organizations also have reception and care centres and offer technical and financial support services: access to a lawyer,

health care, provisional shelter for victims, etc. In 2012, for example, 3,940 women benefited from health services, 200 persons were given legal assistance, and 88 received psychological care.

43. These measures and actions have often allowed women to make themselves heard. Increasing numbers of women are turning to the Government's legal services for counselling and assistance. Between 2010 and 2012, many women had recourse to these services and benefited from support and counselling, even if they are still reluctant to pursue action through the courts. The tables below illustrate this point:

Table 1
Number of persons seeking support and counselling services, 2010 to 2012

	Sex		
Users	*Female*	*Male*	*Total*
Victim of forced marriage	2 174	286	2 460
Victim of early marriage	445	40	485
Teenage mothers	550	48	598
Victim of unwanted or contested pregnancy	4 831	826	5 657
Victim of spousal violence	913	207	1 120
Victim of female genital mutilation (FGM)	168	–	168
Victim of other forms of violence	948	485	1 433

Source: Activity reports of the General Directorate for the Advancement of Women of the Ministry for the Advancement of Women and Gender and annual statistics of the Ministry of Social Action and National Solidarity.

Table 2
Number of persons receiving support and counselling, 2010 to 2012

	Sex		
Users	*Female*	*Male*	*Total*
Victim of forced marriage	1 177	130	1 307
Victim of early marriage	241	24	625
Teenage mothers	342	26	368
Victim of unwanted or contested pregnancy	2 319	371	2 690
Victim of spousal violence	568	116	684
Victim of female genital mutilation (FGM)	95	–	95
Victim of other forms of violence	518	248	766

Source: Annual statistics of the Ministry of Social Action and National Solidarity.

44. With respect to female genital mutilation (FGM), the number of persons convicted and sentenced to prison on these grounds dropped from 42 in 2009 to 13 at 31 December 2012, for a decline of 30.95 per cent. However, close surveillance and awareness-raising actions are being pursued in order to achieve complete eradication of FGM, as this illegal practice continues in secret and involves girls at an ever younger age.

The Committee encourages the State party to ensure that legal aid is provided to assist victims [and] reiterates its recommendation that the State party establish shelters and counselling services for victims of violence.

45. The actions taken to give effect to this sub-recommendation can be summarized as follows:

- There are 13 reception centres recognized by the Ministry for Social Action and National Solidarity.
- A national action plan to combat social ostracism of persons accused of witchcraft was adopted in 2012.
- In 2011 the Government constructed a new, more spacious facility for relocating the Delwendé de Tanghin centre, which houses 327 women accused of witchcraft and expelled from their community.
- Family mediation and psychosocial and material care (counselling, sensitization, reception and shelter) by social workers for women accused of witchcraft.
- An annual subsidy of CFAF 25 million for solidarity courses and centres for receiving the socially excluded, including women accused of witchcraft.
- Outfitting 11 public and private health centres in three regions with mats, buckets, benches and kitchen utensils.
- Advocacy activities with community leaders of three regions for the establishment of reception centres for female victims of violence.

46. In addition, article 24 of the proposed specific law on violence against women and girls requires the State to see to the creation of comprehensive care centres and guarantee access to them for women and girls who are victims of violence. These comprehensive care centres provide emergency assistance for victims, offer them security, and assure them of full support services, in particular free and complete health care, psychosocial support and guidance in judicial proceedings. However, specialized units to take care of women and girls who are victims of violence already exist within the gendarmerie brigades and police stations. A unit comprising four officers of the judicial police has been assigned to the MPFG to take care of female victims of violence.

47. Article 22 provides for diligent handling of cases of violence through establishment of specialized structures for combating violence against women and girls. The task of these structures, created within the national police and the gendarmerie, is to receive and hear women and girls who are victims of violence or are threatened by violence, to examine promptly urgent measures that the situation may require, and to summon, hear and if necessary arrest the perpetrators.

48. Article 26 requires the State to establish local help and support units for women and children exposed to violence.

49. All these centres and units offer the following multidisciplinary services: information for victims, psychological and psychiatric support, social support, health support, the services of judicial police officers, follow-up to legal and administrative claims, and ease of access to reception centres (article 28.2).

2. Recommendation 50 concerning elimination of provisions in the Individual and Family Code relating to polygamy and to child marriage

"The Committee urges the State party to repeal all laws relating to family life that are discriminatory towards women, and reiterates its previous recommendation that the State party eliminate those provisions in the Individual and Family Code relative to polygamy (articles 257-262 of the Code) in accordance with article 16 of the Convention and article 14 of the Convention on the Rights of the Child, and in light of the Committee's general recommendation No. 21 (1994) on equality in marriage and family relations, urges the State party to accelerate the legislative reform of the Individual and Family Code so as to standardize the minimum legal age of marriage at 18 years for both women and men (article 238 of the Code) (CEDAW/C/BFA/CO/4-5, para. 26) to ensure equality in family laws. The Committee further urges the State party to take all legal and other necessary measures to combat child marriage."

> ***The Committee urges the State party to repeal all laws relating to family life that are discriminatory towards women, and reiterates its previous recommendation that the State party eliminate those provisions in the Individual and Family Code relative to polygamy (articles 257-262 of the Code) in accordance with article 16 of the Convention and article 14 of the Convention on the Rights of the Child, and in light of the Committee's general recommendation No. 21.***

50. Burkina Faso has undertaken the process of revising provisions of the Individual and Family Code. In December 2012, a study was commissioned by the Government to remove all provisions of the code that are unfavourable to women. That study recommended outright repeal of provisions of the Code relating to polygamy, in light of the status of inferiority in which they place women vis-à-vis men (articles 257 to 263, article 272).

51. The results of that study have been passed for consideration to the Review Committee.

52. However, repealing the provisions on polygamy will require a national consensus. The issue is a delicate one and it has not yet received the consent of all sociocultural categories, which explains the slow process of revising the Code. The first regular session for the year 2012 of the National Commission for Monitoring Implementation of the Commitments of Burkina Faso on Behalf of Women, held on 7 and 8 August 2012 in Ouagadougou, dealt with "the problem of polygamy: causes, consequences and legal challenges". It was attended by the statutory members of the Commission, namely the representatives of State structures, civil society organizations, and customary and religious leaders. At the end of the debates, it was clear that polygamy is a cultural practice. Following that session, some communities declared their dissatisfaction and threatened to organize a march if there were further efforts to eliminate polygamy from the Individual and Family Code. Thus, the approach to the question of its elimination must be one of caution, given the sociocultural realities. The real problem now is to determine how to ensure that each member of the polygamist family (man, women and children) can flourish and develop.

> ***[The Committee] urges the State party to accelerate the legislative reform of the Individual and Family Code so as to standardize the minimum legal age***

of marriage at 18 years for both women and men (article 238 of the Code) (CEDAW/C/BFA/CO/4-5, para. 26) to ensure equality in family laws. The Committee further urges the State party to take all legal and other necessary measures to combat child marriages.

53. With respect to marriage, the above-mentioned study recommends setting the minimum age of the intended spouses at 18 years, for both the man and the woman. Article 238 of the Code currently sets that age at 20 years for boys, with exceptions to 18 years, and at 17 years for girls, with exceptions to 15 years. This provision is not consistent with those of the Convention on the Rights of the Child, which defines the child as any human being below the age of 18 years. Thus, the study's conclusions reformulate that article as follows: "Marriage may be contracted only between a man of at least 18 years of age and a woman of at least 18) years of age". This rewording will ensure equality between future spouses and will standardize the legal age of marriage.

54. Moreover, article 371 of the draft law on the Penal Code provides for a broad definition of marriage that will make it possible to punish all forms of forced or underage marriage. Forced marriage or underage marriage thus becomes an offence (article 371.1) punishable by one to three years if the victim is a minor. The maximum penalty applies if the victim is under 13 years.

55. In addition to reform of the legal framework, several other steps have been taken. These include:

- Organization of a panel on 24 November 2011 at Ouagadougou on "forced and/or early marriages", intended to contribute, through information and awareness-raising, to the campaign against forced and/or underage marriage of girls. That panel was composed of administrative authorities, customary and religious leaders, secondary school pupils of the City of Ouagadougou, representatives of civil society organizations, and legal practitioners.

- Implementation from 2008 to 2010 of a pilot project entitled "Eliminating early marriage in Burkina Faso: a plan for protection, reinforcement and community action" in five regions of the country. The purpose of the project was to enhance the security of adolescent girls who are married or run the risk of an early marriage, through a comprehensive multisectoral approach to improving their education, health and social status. The project yielded the following results:

- Improvement in the socioeconomic situation of adolescent girls: training for 144 teaching mothers in order to strengthen their skills for helping other teenage girls; granting a full scholarship to 143 girls and financial support for 286 adolescent girls and young women between 12 and 19 years; health services (pregnancy monitoring, repairing the consequences of excision, family planning, prenatal consultation) for some 150 teenage girls;

- Psychosocial assistance for 332 victims of early marriage and sentencing of nine persons between the ages of 50 and 65 for practising early marriage of adolescent girls between the ages of 12 and 17 years;

- Organization of seven advocacy sessions aimed at customary and religious leaders. These meetings made it possible to reach 950 individuals and to establish partnership with 120 community leaders (customary chiefs and

religious authorities) in order to win their support for the enforcement of existing laws and respect of adolescent girls' human rights;

- Training for 33 social workers in the use of the psychosocial and legal assistance guide, and for 48 physicians and nurses with a view to enhancing the quality of care and services;
- Numerous civil society organizations have made it a priority to combat child marriage.

56. In light of these achievements, a request for financing has been transmitted to the technical and financial partners in order to extend the project to 13 regions. Negotiations are still under way.

Conclusion

57. In general terms, there has been clear progress in implementing the recommendation on enactment of the law on prevention and repression of violence against women and girls and care for victims. The enactment process has begun and should be completed in the course of 2014.

58. With respect to the recommendation on eliminating provisions of the Individual and Family Code relating to polygamy, this remains a challenge. Further efforts must still be made, and the Government and its partners are committed to developing strategies and stepping up awareness-raising activities in order to bring people to an understanding of the very sensitive issue of polygamy. In addition, the reforms undertaken to harmonize the minimum age of marriage and to eliminate child marriages are in the process of adoption.

59. Burkina Faso remains aware of the major challenges that must be overcome to give effect to the rights of women and children. It has committed itself, with the support of its development partners, to strive for gender equality as a guarantee of sustainable human development.